

REFERENCE TITLE: contractors; injunctive relief; technical correction

State of Arizona
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HB 2008

Introduced by
Representatives Boone: Clark, Crump, Driggs, Kavanagh, McComish, Robson,
Weiers J

AN ACT

AMENDING SECTION 32-1166, ARIZONA REVISED STATUTES; RELATING TO CONTRACTORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 32-1166, Arizona Revised Statutes, is amended to
3 read:

4 32-1166. Injunctive relief; civil penalty

5 A. In addition to all other remedies, when it appears to the
6 registrar, either upon complaint or otherwise, that any person, firm,
7 partnership, corporation, association or other organization, or a combination
8 of any of them, has engaged in or is engaging in any act of contracting,
9 practice or transaction which constitutes a violation of this chapter, or any
10 rule or order of the registrar, the registrar may serve upon such person,
11 firm, partnership, corporation, association or other organization not
12 currently licensed under this chapter, by certified mail or by personal
13 service, a cease and desist order requiring the person, firm, partnership,
14 corporation, association or other organization to cease and desist
15 immediately, upon receipt of the notice, from engaging in such act, practice
16 or transaction. In conjunction with the cease and desist order, the
17 registrar may issue a citation for a violation. Each citation shall be in
18 writing and shall clearly describe the violation for which the citation was
19 issued. Each citation shall contain an order to cease and desist and an
20 assessment of a civil penalty in an amount of at least two hundred dollars
21 for each violation but not more than two thousand five hundred dollars for
22 the multiple violations committed on the same day. If after the issuance of
23 a citation by the registrar, the person or organization receiving the
24 citation fails to cease and desist in the violation or violations described
25 in the citation, the registrar may assess an additional civil penalty of up
26 to two thousand five hundred dollars for each day the violation or violations
27 continue. The registrar shall adopt rules covering the assessment of a civil
28 penalty that give due consideration to the gravity of the violation and any
29 history of previous violations. The penalties authorized under this section
30 are separate from, and in addition to, all other remedies either civil or
31 criminal.

32 B. Each violation of this chapter or a rule or order of the registrar
33 by a person who is required to be licensed by this chapter and who does not
34 possess the required license shall constitute a separate offense, and the
35 registrar may impose a civil penalty of not to exceed two thousand five
36 hundred dollars for each violation except that for multiple violations
37 committed on the same day the civil penalty shall not exceed two thousand
38 five hundred dollars for all such violations. Monies collected from civil
39 penalties shall be deposited in the state general fund.

40 C. The registrar of contractors may issue citations containing orders
41 to cease and desist and of civil penalties against persons who have never
42 been licensed under this chapter **AND** who are acting in the capacity of or
43 engaging in the business of a contractor in this state.